

E-FILED - 6/27/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

N.A. and A.A., minors by and through their
GuardianAd Litem, RICHARD H. WEST,

Plaintiffs,

vs.

COUNTY OF MONTEREY; LUCILLE
HRALIMA as an employee of the COUNTY
OF MONTEREY; STEVEN SINOR as an
employee of the COUNTY OF MONTEREY;
MICHELLE CASSILLAS as an employee of
the COUNTY OF MONTEREY; PAT
MANNION as an employee of the COUNTY
OF MONTEREY; EVLA MANCILLA as an
employee of the COUNTY OF MONTEREY;
ADA SIFUENTES and ANTONIO
SIFUENTES, as agent and/or state actor of the
COUNTY OF MONTEREY; and Does 1 to
100, Inclusive,

Defendants.

Case No. C-08-00689-RMW

ORDER RE PETITION FOR COMPROMISE
OF DISPUTED CLAIM OF MINOR

Richard H. West, Guardian Ad Litem for minors N.A. and A.A., seeks court approval of the compromise of said minors' claims and payment of attorney's fees. The attorney's fees requested amount to \$100,000 or 33⅓ % of the gross recovery for the minors. Counsel apparently entered into a contingent fee agreement with the guardian at litem calling for attorney's fees of 33⅓% of any recovery.


1 The court is satisfied that the settlement is in the best interest of each of the minors
2 considering the amount to be paid and the structure of the settlement. This conclusion is based upon
3 the current petition, the filings in the case, the fact that the case settled shortly after a settlement
4 conference with a magistrate judge and the facts of the case as discussed at the Case Management
5 Conference. It is also based upon the structured nature of the settlement which insures the funds
6 will only be accessible to the minors after reaching the age of majority or used on their behalf per
7 court authorization.

8 The court, however, has some questions that must be answered before the court will approve
9 the full amount of attorney's fees requested. What, if any, Monterey County Court Rules are
10 applicable to requests for approval of fees? This court normally does not approve fees in excess of
11 25%, absent unusual circumstances. Also, the court would like to see an itemization of the
12 attorney's services rendered and the day on which each service was rendered. Lastly, on what
13 awards made in the San Jose Division of this court does counsel base the statement that "we have
14 determined that the Courts award attorneys' fees in civil rights matters at an hourly rate of \$500.00
15 per hour, and \$110 an hour for paralegal time."

16 The court request that petitioner supplement his application for approval of the attorney's
17 fees requested within 15 days of this order.

18 The court approves the purchase of the proposed annuities at this time. If the attorney's fees
19 as proposed are reduced, any reduction should be added to the funds used to purchase the annuities,
20 thus increasing the amounts that will be paid to the minors.

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22 DATED: June 26, 2008

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26 RONALD M. WHYTE
27 United States District Judge
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Copy of Order E-Filed to Counsel of Record: